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In re Application of : OCT 16 2006
Ge Zhu :
Application No. 10/659,772 :
Filing/371(c) Date: 09/09/2003 :
Attorney Docket Number: :
HYM-003 : ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181, filed June 28, 2006 and re-filed July 3, 2006.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due (Notice), mailed November 1, 2005. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on February 2, 2006. A Notice of Abandonment was mailed April 14, 2006.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely reply in the form of the issue fee and publication fee was filed on February 1, 2006. In support of this assertion, Applicant files a copy of the Issue Fee Transmittal Form which includes a Certificate of Mailing dated February 1, 2006, executed by Petitioner herein. Applicant has re-filed the issue fee with the instant petition(s)¹.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

¹Applicant is advised that with each repeat filing the fees authorized will be charged. Applicant should file a request for a refund with the Office of Finance, Refund Section.

No petition fee has been charged and none is due.

The application will be referred to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


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Office of Petitions